IN THE HIGH COURT OF PUNJAB AND HARYRNA AT CHANDIGARH

C.O.C.P. No.1560 of 2005
Date of Decision:- 18.09.2006

Mubeen & ors. ....Petitioners

through
None.

vs.

Sh.Chander Parkash, DC. ....Respondent

through
Mr.G.S.Cheema, Sr.DAG, Punjab

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT

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SURYA KANT, J.

The petitioners filed C.W.P.No.654 of 2005 in which a direction was sought against the official respondents to take action against the then Sarpanch (Sule Khan) of Gram Panchayat, Muradbas, who was impleaded as respondent No.7. The said writ petition was disposed of by this Court on 7.3.2005 with a direction to the Deputy Commissioner, Gurgaon "to look into the matter afresh and take such steps as he deems fit and appropriate in the facts and circumstances of the case within a reasonable time."

Alleging non-compliance of the aforesaid order, this contempt petition has been filed.

In response to the show cause notice, Mr.Chander Parkash, IAS, Deputy Commissioner, Mewat, Nuh has filed his affidavit. In the said affidavit, it is stated that an enquiry was got conducted from the office of

Sub Divisional Officer (Civil), Nuh, who vide his report dated 30.3.2006 held that charges No.1, 2, 3, 17, 18, 19 and 20 out of total 21 charges were proved against the ex-Sarpanch.

Meanwhile, the Sub Divisional Officer (Civil), Nuh sent his final report dated 20.4.2006 according to which Sule Khan-Ex-Sarpanch of the Gram Panchayat was found guilty of charges No.2, 17, 18, 19 and 20 only. On the basis of the said report, a direction was issued to the Assistant Collector, Ist Grade, who in turn informed that vide *Rapat Roznamcha* (Annexure R-2), the possession of the land was taken over by the Gram Panchayat. This compliance report pertains to charge No.2.

As regard to charges No.17, 18, 19 and 20, a direction was issued vide memo dated 28.4.2006 to the Block Development and Panchayat Officer, Nuh (Annexure R-3) to recover the amount of losses caused by the Ex-Sarpanch, the details of which were mentioned in the aforesaid communication itself. Thereafter, the Deputy Commissioner vide his memo dated 28.4.2006 (Annexure R-4) appears to have issued directions to the SDO (Civil), Nuh to immediately comply with the ejectment order dated 29.8.2005 passed by the Assistant Collector, Ist Grade, Nuh.

From the above-noticed facts, it is apparent that the Deputy Commissioner has taken all the necessary steps to comply with the order dated 7.3.2005 passed by this Court. However, in furtherance to the final action taken against the ex-Sarpanch, the losses caused by him to the Gram Panchayat, the details of which are mentioned in the memo Annexure R-3, appears to have not been recovered from him.

Consequently, this petition is disposed of with a direction to the Deputy Commissioner, Mewat (Nuh) as well as the Sub Divisional Officer

(Civil), Nuh as also the Tehsildar of the concerned area to recover the amount of losses alleged to have been caused by Sule Khan-ex-Sarpanch of the Gram Panchayat and if so required, by treating the same as arrears of land revenue. The recovery proceedings shall be concluded within a period of three months from today.

However, the aforesaid action shall be taken against the ex-Sarpanch subject to his right to impugn the action taken against him by the competent authority, referred to above and if any appeal or other legal proceedings have been initiated by the Ex-Sarpanch, the compliance of the above made directions shall be subject to any interim/final order passed in such proceedings initiated by him.

Rule discharged.

September 18, 2006 **(SURYA KANT)**
poonam **JUDGE**